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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
 1/12/22 4:26 pm
 CLERK
 U.S. BANKRUPTCY
 COURT - WDP

In re: : Case No.: 18-22439-GLT
 : Chapter: 13
 Heather Diane Nitch :
 :
 :
 :
 Debtor(s). : Date: 1/12/2022
 : Time: 10:30

PROCEEDING MEMO

MATTER: #82 - Contested Confirmation Hearing Regarding
 Plan Dated 11/22/201 (FC)
 [Lack of payments. No payment since 3/2020]
 # 63 - Objection filed by Bank of New York Mellon
 as Trustee for CIT Mortgage Loan Trust
 2007-1
 #85 - Objection filed by Ronda Winnecour, Trustee

APPEARANCES:
 Debtor: Heather Nitch
 Trustee: Owen Katz

NOTES: [10:58 a.m.]

Katz: We have received no payments since March 2020. We are in month 43 of the plan. There have been multiple resets provided to this Debtor. The current plan payment is \$2,946, but it will increased to \$3,387.

Nitch: I lost a significant portion of my income due to COVID. I am starting two positions, one as an office manager and the other as a copy editor, that should provide approximately \$7,800 in monthly income along with a side business income of approximately \$2,974. I am asking for a continuance to get back on track.

Court: Why has it taken almost two years to find W2 employment?

Nitch: I had a 6 month delay in receiving unemployment.

Court: I could see a continuance if there was a short pause in payments, but two years is unprecedented. In fact, this is your third case.

Nitch: My first case related to my divorce. The second case was to allow me to seek modification of my mortgage. When I had W2 employment, I made my payments consistently.

Court: Did you have anything that prevented you from finding W2 employment over the past 2 years?

Nitch: Just the lack of consistency with cash flow in my side business and finding a W2 position that would pay me enough.

Court: It appears that the plan payment history was sporadic before the pandemic, which led to arrears in December 2019. In my view, there is no utility in continuing this case, and I have seen no attempt to make plan payments that would suggest that you had an interest in continuing this case. I am inclined to dismiss this case, but I am unclear whether to dismiss with or without prejudice.

Katz: In this particular case, the trustee would not oppose a dismissal without prejudice.

Nitch: My previous cases went no further than the initial filing.

Court: I will take a look at that. If you choose to file a new case, I expect you to show that you have turned the corner that substantially changes the circumstances. I simply cannot tolerate two years of nonpayment. I will deny confirmation and dismiss this case without prejudice.

Katz: I would suggest that the Debtor may want to consider hiring an attorney for another case to ensure that she provides a confirmable plan.

OUTCOME:

1. The *Contested Confirmation Hearing* [Dkt. No. 82] is CONCLUDED. Confirmation of the Debtor's amended plan dated November 22, 2021 [Dkt. No. 82] is DENIED. [Text Order]

2. The trustee's *Certificate of Default* [Dkt. No. 76] is GRANTED. Debtor's chapter 13 case is DISMISSED without prejudice. [DB to Issue]

DATED: 1/12/2022